

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

LAURA SENNETT,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:09-cv-1063 (TSE/IDD)
)	
UNITED STATES DEPARTMENT)	
OF JUSTICE, <u>et al</u> ,)	
)	
Defendants.)	

ANSWER OF THE DEFENDANTS COUNTY OF ARLINGTON, ARLINGTON POLICE
DEPARTMENT AND BRYK TO THE AMENDED COMPLAINT

The defendants, County of Arlington (hereinafter "County"), the Arlington Police Department¹ and Bryk, by counsel, respond to the Amended Complaint as follows:

FIRST DEFENSE

The defendants deny that the plaintiff was deprived of any rights secured by the Constitution or federal law by these defendants or at all and deny that the plaintiff's claims rise to the level of a Constitutional deprivation or a violation of federal law.

SECOND DEFENSE

The defendant Bryk acted at all times reasonably and in good faith, with probable cause and sufficient legal justification. He is immune from suit under the doctrines of sovereign and qualified immunity, as well as statutory immunity for a reasonable good faith belief in the lawfulness of his conduct pursuant to 42 U.S.C. §2000aa-6(b).

¹ In her original Complaint, the Plaintiff included the Arlington Police Department as a separate defendant. In her Amended Complaint, the Plaintiff no longer lists the Arlington Police Department as a defendant; however, no order dismissing the Police Department has been entered. Plaintiff's counsel has advised that she will prepare an agreed order dismissing the Arlington Police Department. The Arlington Police Department is included herein out of an abundance of precaution.

THIRD DEFENSE

The Arlington Police Department is not a legal entity capable of being sued.

FOURTH DEFENSE

The County denies that it promulgated or tolerated any unconstitutional policy, custom or procedure and denies that any County procedure, custom or policy caused any injury, of constitutional magnitude or otherwise, to the plaintiffs. The defendants further deny that they have been deliberately indifferent to the constitutional rights of the plaintiff. The County further denies that it is responsible for or had any control over Arlington County Magistrates or the Magistrate's Office. The County incorporates by reference all of the arguments and defenses stated in its Motion of The Defendant County of Arlington to Dismiss Counts II-IV of the Amended Complaint, filed on February 1, 2010.

FIFTH DEFENSE

Any state or common law claims against the County are barred because the plaintiff has not complied with Virginia Code §15.2-1245, et seq., which compliance is jurisdictional and are further barred by the County's sovereign immunity.

SIXTH DEFENSE

The Complaint fails to state any cause of action against these defendants upon which relief may be granted.

SEVENTH DEFENSE

The defendants reserve the right to rely on any other defenses as may be determined up to the time of trial and those raised by its co-defendants which they determine are applicable.

EIGHTH DEFENSE

1. The allegations of paragraphs 1, 11-14, 16, 18, 74, 84, 94, 101 and 110 of the Amended Complaint are legal conclusions, characterizations of the Amended Complaint, or allegations related to other defendants which require no response from these Defendants, but if any response is required, they are denied.

2. The defendants are without sufficient knowledge or information to either admit or deny the allegations in paragraphs 2, 4, 9, 10, 19-28, 33, 40, 41, 42, 45, 51, 53, 54, 59, 61, 62, 63, 64, 70, 76, 77, 80, 86, 87, 88, 89, 95, 103, 104 and 105 of the Amended Complaint and therefore deny them.

3. The defendants deny the allegations in paragraphs 3, 5, 6, 7, 8, 29, 36, 37, 38, 39, 43, 46, 47, 50, 57, 58, 60, 65, 66, 67, 68, 69, 71, 72, 75, 78, 79, 81, 82, 83, 85, 90, 91, 92, 97, 98, 99, 100, 102, 106, 107, 108, 111, 112 and 113 of the Amended Complaint and all prayers for relief.

4. In response to the allegations of paragraphs 44, 73, 93 and 109 of the Amended Complaint, which incorporate other paragraphs of the Amended Complaint by reference, the defendants respond to those allegations by reference to the defendants' responses to the incorporated paragraphs.

5. In response to the allegations of paragraph 15 of the Amended Complaint, the defendants admit that Arlington County is a political subdivision of the Commonwealth of Virginia. Any remaining allegations in paragraph 15 are denied.

6. In response to the allegations of paragraph 17 of the Amended Complaint, the defendants admits the first sentence of the paragraph. Any remaining allegations in paragraph 17 are denied.

7. In response to the allegations of paragraphs 30, 31, 32, 48, 49 and 52 of the Amended Complaint, which are characterizations of various documents, the defendants state that the documents speaks for themselves as regards their content and deny any characterization of the documents that are inconsistent with their terms and any remaining allegations therein.

8. In response to the allegations of the first sentence of paragraph 34 of the Amended Complaint, the defendants state that the document speaks for itself as regards its content and deny any characterization of the document that is inconsistent with their terms. The remaining allegations of paragraph 34 are denied.

9. In response to the allegations of paragraph 35 of the Amended Complaint, the defendants do not understand what the Plaintiff means by the term “raid” and therefore denies the first sentence of paragraph 35. The defendants admit that the defendant Bryk was present when the search warrant was executed. Any remaining allegations in paragraph 35 are denied.

10. In response to the allegations of paragraph 55 of the Amended Complaint, the defendants state as to the first sentence that the document speaks for itself as regards its content and deny any characterization of the document that is inconsistent with their terms. The defendants are without sufficient knowledge or information to either admit or deny the allegations in the second sentence and therefore deny it. Any remaining allegations in paragraph 55 are denied.

11. In response to the allegations of paragraph 56 of the Amended Complaint, the defendants are without sufficient knowledge or information to either admit or deny the allegations in first sentence of paragraph 56 and therefore deny them. The defendants deny the remaining allegations in paragraph 56.

12. In response to the allegations of paragraph 96 of the Amended Complaint, the defendants are without sufficient knowledge or information to either admit or deny the allegations in the first sentence and therefore deny them. Any remaining allegations in paragraph 96 are denied.

13. Except where specifically noted, references or responses to a numbered paragraph of the Amended Complaint include all subparts and subsections of the numbered paragraph.

14. All allegations not specifically admitted, and all prayers for relief, are denied.

Therefore, the Amended Complaint should be dismissed as to these defendants, and they should be awarded their costs, including attorney's fees pursuant to 42 U.S.C. §1988, with such other relief as the Court deems proper.

COUNTY OF ARLINGTON
ARLINGTON POLICE DEPARTMENT
JASON K. BRYK

By Counsel

Stephen A. MacIsaac, County Attorney
Virginia Bar #21130

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of February, 2010, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Thomas M. Wolf, Esq. and Lisa J. Chadderdon, Esq.
LeClairRyan
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Counsel for Defendant Vincent Antignano

and I hereby certify that I will mail the document by U.S. mail to the following non-filing users:

Eric Holder, Attorney-General of the United States
Office of the Attorney General
950 Pennsylvania Avenue, N.W.
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Counsel for Defendants U.S. Department of Justice and the
Federal Bureau of Investigation Joint Terrorism Task Force

_____/s/_____
Ara L. Tramblian, Deputy County Attorney
Virginia Bar # 24350

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